

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**CHARLES W. PAK,**

§

*Plaintiff,*

§

**CIVIL ACTION NO. 6:16-CV-226**

**V.**

§

**CAPITAL ONE BANK ET AL.,**

§

*Defendants.*

§

**ORDER ADOPTING REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

Before the Court is Defendant Capital One, N.A.<sup>1</sup> (“Capital One”) Motion for a More Definite Statement Under Federal Rule of Civil Procedure 12(e). (Doc. No. 31.) Also before the Court is Plaintiff Charles W. Pak’s Motion and Objection to Dismissal. (Doc. No. 33.) On October 31, 2016, Magistrate Judge John D. Love filed a Report and Recommendation that contains his proposed findings of fact and recommendations for the dismissal of this action with prejudice. (Doc. No. 35.) Plaintiff acknowledged receipt of the Report and Recommendation on November 2, 2016. (Doc. No. 36.) No objections to the Report and Recommendation were filed.

This Court agrees with the Magistrate Judge’s finding that Plaintiff’s complaint does not meet the pleading standards of Fed. R. Civ. P. 8. Indeed, Plaintiff’s conclusory and unsupported statements fail to establish sufficient plausible facts that could ultimately serve as a basis for relief. This Court further agrees with the Magistrate Judge’s conclusion that Plaintiff has incurably failed to state a claim under Rule 8, and dismissal is the proper course of action.

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<sup>1</sup> In its Motion, Capital One notes that it has been improperly named in this lawsuit as “Capital One Bank, Capital One Bank-Credit Card, and Capital One Bank-Shareholder Department.” (Doc. No. 31.)

This Court, finding no plain error in the Magistrate Judge's reasoning and analysis hereby **ADOPTS** the Magistrate Judge's Report and Recommendation. For the reasons stated in the Report and Recommendation, all of Plaintiff's claims are **DISMISSED WITH PREJUDICE.**

**So ORDERED and SIGNED this 29th day of December, 2016.**



ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE